
UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF TEXAS

RAYLAND LA'DON TYNER,

Plaintiff,

versus

THANH T. NGUYEN, *et al.*,

Defendants.

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CIVIL ACTION NO. 1:13-CV-322

**MEMORANDUM ORDER ADOPTING THE MAGISTRATE
JUDGE'S REPORT AND RECOMMENDATION**

Plaintiff Rayland La'Don Tyner, a prisoner currently confined at the Allred Unit of the Texas Department of Criminal Justice, Correctional Institutions Division, proceeding *pro se*, brought this civil rights action pursuant to 42 U.S.C. § 1983.

The court referred this matter to the Honorable Zack Hawthorn, United States Magistrate Judge, at Beaumont, Texas, for consideration pursuant to applicable laws and orders of this court. The magistrate judge recommends granting plaintiff's motion to dismiss and dismissing the action without prejudice pursuant to Federal Rule of Civil Procedure 41(a)(2).¹

The court has received and considered the Report and Recommendation of United States Magistrate Judge filed pursuant to such order, along with the record, pleadings and all available evidence. No objections to the Report and Recommendation of United States Magistrate Judge were filed by the parties.

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Plaintiff previously filed a motion to dismiss (#73), asserting that he would dismiss the case if federal agents conducted an investigation into plaintiff's claims. The magistrate judge recommended denying that motion.

ORDER

Accordingly, the findings of fact and conclusions of law of the magistrate judge are correct, and the report of the magistrate judge (#81) is **ADOPTED**. Plaintiff's motion to dismiss (#80) is **GRANTED**. A final judgment will be entered in this case in accordance with the magistrate judge's recommendation.

SIGNED at Beaumont, Texas, this 2nd day of September, 2015.

A handwritten signature in cursive script, reading "Marcia A. Crone".

MARCIA A. CRONE
UNITED STATES DISTRICT JUDGE